

STEVEN T. JAFFE, ESQ.
Nevada Bar No. 7035
sjaffe@halljaffe.com

HALL JAFFE, LLP
7425 Peak Drive
Las Vegas, Nevada 89128
(702) 316-4111
Fax (702) 316-4114

FARHAN R. NAQVI, ESQ.
Nevada Bar No. 8589
naqvi@naqvilaw.com

NAQVI INJURY LAW
9500 W. Flamingo Road, Ste. 104
Las Vegas, Nevada 89147
(702) 553-1000
Fax (702) 553-1002

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LARON ONEAL, individually,

Plaintiff,

vs.

ALBERTSON'S, LLC d/b/a
ALBERTSON'S; SAFEWAY INC. d/b/a
ALBERTSON'S; ALBERTSON'S STORES
SUB LLC; AB ACQUISITION LLC; DOES
1 through 100 and ROE CORPORATIONS 1
through 100, inclusive,

Defendants.

Case No.: 2:23-cv-00643-APG-MDC

**STIPULATION AND ORDER TO
STRIKE AND REPLACE PLAINTIFF'S
INCORRECTLY FILED EXHIBIT NO.
4 TO ECF NO. 88, PLAINTIFF'S BRIEF
RE: SANCTIONS AGAINST
SHANDANA MERGERSON; AND,
REOPENING DISCOVERY FOR
LIMITED PURPOSE OF
COMPLETING DEPOSITION OF
SHANDANA MERGERSON AND
CONDUCTING DEPOSITION OF
DEFENDANTS PURSUANT TO FRCP
30(B)(6)**

Plaintiff, LARON ONEAL, by and through his attorneys, Steven T. Jaffe, Esq. of Hall Jaffe, LLP, and Farhan R. Naqvi, Esq., of Naqvi Injury Law and Defendants ALBERTSON'S, LLC d/b/a ALBERTSON'S; SAFEWAY INC. d/b/a ALBERTSON'S; ALBERTSON'S STORES SUB LLC; and AB ACQUISITION LLC, by and through their attorneys, Jack P. Burden, Esq. and Jacquelyn M. Franco, Esq., Backus Burden, request and stipulate as follows:

1 Pursuant to the April 25, 2025, Court in Minutes of Proceedings [ECF No. 84] it was
2 ordered that Plaintiff file by May 12, 2025 a brief in support of his request that a Bench
3 Warrant issue for Shandana Mergerson and his request to reopen discovery for the limited
4 purpose of completing the deposition of Shandana Mergerson and Defendants' witness
5 produced pursuant to FRCP 30(B)(6).

6 While reviewing Plaintiff's Brief [ECF No. 88] on June 6, 2025, Plaintiff's counsel
7 observed that his office inadvertently and mistakenly filed a confidential portion of the
8 deposition transcript of Laurie Dufala's October 16, 2024, as Exhibit 4 to the Brief. Plaintiff's
9 counsel immediately notified defense counsel about the error and counsel both agreed that due
10 to the sensitive nature of the confidential deposition transcript of Ms. Dufala, Exhibit 4, should
11 be stricken from the record, and replaced by the proper portion of the deposition, attached
12 hereto. The parties stipulate the attached transcript reflects the intended portion to have been
13 attached, and stipulate to have this portion inserted instead of the confidential transcript
14 mistakenly originally served and filed.

15 IT IS HEREBY STIPULATED AND AGREED that Exhibit 4 filed on May 12, 2025,
16 as part of ECF No. 88, shall be stricken from the record and the Court shall enter an order
17 striking Exhibit 4. Upon entry of this Stipulation and Order, Exhibit 4 shall be deemed
18 removed from the record and shall not be considered by the Court in making any
19 determination in this case.

20 IT IS FURTHER STIPULATED AND AGREED that the corrected version of Exhibit 4
21 attached hereto be substituted for the stricken transcript.

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1 The parties understand and agree that this Stipulation and Order may be entered by the
2 Court without further hearing or notice.

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4 s/ Steven T. Jaffe
Steven T. Jaffe, Esq.
Hall Jaffe, LLP
7425 Peak Drive
5 Las Vegas, Nevada 89128
6 Attorney for Plaintiff

7 Jacob A. Suty, Esq.
8 Naqvi Injury Law
9 9500 West Flamingo, Ste 104
10 Las Vegas, Nevada 89147
Attorney for Plaintiff

/s/ Jacquelyn Franco
Jack P. Burden, Esq.
Jacquelyn Franco, Esq.
Backus | Burden
3050 S. Durango Dr.
Las Vegas, Nevada 89117
Attorneys for Defendants

11 **ORDER**

12
13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that said Exhibit 4 to
14 Plaintiff's Brief [ECF No. 88] is hereby withdrawn and stricken from the record and shall not
15 be considered in this matter.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the correct version of
17 Exhibit 4 shall be filed in its place and replace the stricken exhibit.

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UNITED STATES MAGISTRATE JUDGE

7-10-25